

State of Colorado



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OLLS GUIDELINES FOR WORKING WITH LOBBYISTS

NOTE: For purposes of these guidelines, "lobbyist" includes a professional lobbyist, as defined in section 24-6-301 (6), C.R.S., volunteer lobbyist, as defined in section 24-6-301 (7), C.R.S., and state officials and employees registered with the secretary of state who are responsible for lobbying as defined in section 24-6-303.5, C.R.S.

1. PRIORITY OF SERVICE

The Office of Legislative Legal Services (OLLS) is a staff agency of the General Assembly and the Office's first priority is the provision of services directly to members. Therefore, the following guideline will apply to all persons in the OLLS (legislative assistants in the front office and attorneys should be particularly sensitive to this issue):

A staff person in the OLLS should always assist a legislator who is seeking help, either in person or by phone, before assisting a lobbyist even if the lobbyist is seeking help at the behest of a legislator. If the staff person is already assisting a lobbyist when the legislator asks for help, the lobbyist should be asked to wait while the legislator is being helped or the lobbyist should be assisted by another staff person. A legislator should not be asked to wait until the staff person is finished assisting a lobbyist.

2. BILL REQUESTS AND AMENDMENT REQUESTS

Section 2-3-505, C.R.S.,¹ requires that a request for the drafting of a bill be submitted by a legislator, either in writing or orally. If a lobbyist makes a bill request on behalf of a legislator, the OLLS will accept the bill request but will not consider the request "submitted

¹ 2-3-505. Requests for drafting bills and amendments- confidential nature thereof - lobbying for bills. (1) All requests made to the office for the drafting of bills or amendments thereto shall be submitted, either in writing or orally, by the legislator, or by the governor or the governor's representative making the request, with a general statement respecting the policies and purposes which the person making the request desires the bill or amendment to accomplish. The office shall draft each bill or amendment to conform to the purposes so stated or to supplementary instructions of the person making the original request. (remainder of section omitted)

by the legislator" until the legislator has notified the OLLS, either orally or in writing, that he or she will actually sponsor the bill request made by the lobbyist. Unlike prior practice, the OLLS will no longer call a legislator to verify sponsorship on a bill submitted by a lobbyist; however, the OLLS can verify sponsorship on the bill if the OLLS has occasion to speak to the legislator on some other matter. The lobbyist should be responsible for making sure the legislator calls the OLLS and officially "submits" the bill request. The mere acceptance by the OLLS of a bill request from a lobbyist will not be sufficient to meet bill request deadlines; the legislator must contact the OLLS and verify the request prior to the request deadline.

Like bills, a request for the drafting of an amendment must be submitted by a legislator, either in writing or orally. The OLLS may accept a request for an amendment from a lobbyist on behalf of a member only if the lobbyist has the member's authorization, in writing, to make the amendment request. The member's written authorization serves as the member's written request for the drafting of the amendment. The OLLS suggests the use of the attached amendment authorization form; however, the OLLS will accept any written authorization, no matter the form, if it includes similar information. Copies of the amendment authorization form will be available in the front office.

NOTE: The provisions outlined above for bill requests and amendment requests do not apply when a legislator has made the bill request or amendment request himself or herself and has authorized the OLLS to work with a specific lobbyist. The provisions are intended to apply in the situation where a lobbyist is making a bill request or amendment request on behalf of a legislator and the OLLS has had no prior contact, either orally or in writing, with the legislator concerning the request.

3. INFORMATION RELATING TO THE DRAFTING OF A BILL OR THE DRAFTING OF AN AMENDMENT

In accordance with section 2-3-505, C.R.S., the OLLS drafter should rely only on information received directly from the bill sponsor or amendment sponsor, either orally or in writing, concerning the specifics relating to the drafting of a bill or an amendment. The OLLS drafter may also rely on information concerning a bill or an amendment provided by a lobbyist who is listed as the contact person on the bill request form, amendment request form, or other written authorization from the sponsor. The OLLS drafter should not rely on information provided by a lobbyist not listed as the contact person unless the drafter has been authorized by the sponsor to rely on such information, either orally or in writing.

4. COPIES OF BILLS AND AMENDMENTS

In accordance with the confidentiality provisions of section 2-3-505, C.R.S., the OLLS will release a copy of a bill or an amendment only to the bill or amendment sponsor. The OLLS

may release a copy of a bill or amendment directly to a lobbyist who is working on the bill or a specific amendment and who is listed as the contact person on the bill request form, the amendment request form, or other written authorization from the sponsor. The OLLS may also release a copy to any other lobbyist who the sponsor has authorized on such request form or other written authorization to receive a copy of the bill or amendment. The OLLS should not release a copy of a bill or amendment to any other lobbyist until the OLLS has confirmed with the bill sponsor or amendment sponsor, either orally or in writing, that the sponsor has authorized the lobbyist to receive a copy of the bill or amendment. A lobbyist who is listed as the contact person on the amendment request form or other written authorization from a sponsor may receive copies of only the amendments he or she is working with the sponsor on -- not all amendments to the bill. Lobbyists are advised that a drafter may elect to deliver a bill or amendment to the sponsor prior to releasing a copy to the authorized lobbyist.

NOTE: For purposes of guidelines 2 through 4, the term "bill" includes both bill drafts and finalized bills prior to introduction and the term "amendment" includes both amendment drafts and finalized amendments prior to offering in committee or on the floor. Guidelines 2 through 4 do not apply once a bill is introduced or an amendment is OFFERED by a committee or on the floor.

5. LEGAL MEMORANDA

The OLLS will release a copy of a legal memorandum requested by and prepared for a member only to that member. Because of the confidential nature of the memorandum, the OLLS will release a copy of a memorandum to a lobbyist only if the member has authorized the OLLS, orally or in writing, to provide the lobbyist with a copy. A legal memorandum requested by and prepared for a member is "work product", as defined in section 24-72-202 (6.5), C.R.S., is not a public record, and is subject to the statutory requirements governing work product.

6. COPIES OF OLLS MATERIALS

The OLLS will provide a copy of any material prepared or held by the OLLS (charts, bill summaries, memoranda, preamended bills, court cases, etc.) that is not confidential to any member. The OLLS will provide a copy of any such material to a lobbyist, without charge, if a member has directed the OLLS, either orally or in writing, to provide the lobbyist or if the material is ten or fewer pages in length. If the material exceeds ten pages in length, the OLLS will provide a copy of the material to a lobbyist for purposes of allowing the lobbyist to copy the material on the public copying machine as allowed by the "Public Records Act", part 2 of article 72 of title 24, Colorado Revised Statutes.

NOTE: This provision does not apply to the Digest of Bills prepared by the OLLS.

7. REQUESTS FOR RESEARCH

The OLLS will take research requests from members either orally or in writing. The OLLS will take a research request from a lobbyist only if the lobbyist has a member's authorization, in writing, to make the research request.

8. USE OF OLLS OFFICE EQUIPMENT BY OR FOR LOBBYISTS

OLLS office equipment including, but not limited to, telephones, copying machines, and FAX machines, can be used by a lobbyist or by an OLLS staff person on a lobbyist's behalf only if the OLLS determines the use is directly related to furthering work by the OLLS for a member. Under no circumstances should OLLS office equipment be used for a lobbyist's personal business. OLLS staff persons who are notaries and whose notary seal is paid for from OLLS funds should not notarize any document for a lobbyist.

9. GIFTS FROM LOBBYISTS AND ATTENDANCE AT LOBBYIST-SPONSORED ACTIVITIES

Staff persons working as employees of the OLLS are prohibited from receiving, accepting, taking, seeking, or soliciting, directly or indirectly, any gift. For purposes of these guidelines, the term "gift" means anything of value for which no consideration is given. The term "gift" does not include the following:

- (1) Items given to the office from a single source, the cumulative value of which do not exceed \$50 in a given calendar year or an item given to an individual staff person in the OLLS by a lobbyist, the value of which does not exceed \$10;
- (2) A lobbyist-sponsored social activity, if an invitation to the activity was extended to at least one other staff person in the OLLS or at least one staff person of another legislative staff agency and the activity is not partisan or political;
- (3) Payment of enrollment and course fees and reasonable travel expenses attributable to attending educational seminars, programs, or courses sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection (3), "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event. An OLLS staff person attending an educational seminar, program, or course should disclose the fact in a statement filed with the OLLS. The statement should include the name of the organization paying the expenses, the approximate cost of the expenses, and the date and location of the educational seminar, program, or course;

- (4) Unsolicited flowers, plants, and floral arrangements;
- (5) Unsolicited advertising or promotional items of nominal value such as pens and note pads;
- (6) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (7) Materials, publications, or subscriptions related to the OLLS staff person's performance of official duties;
- (8) Food and beverages consumed at hosted receptions where attendance is related to the OLLS staff person's official duties;
- (9) Campaign contributions reported pursuant to article 45 of title 1, C.R.S.;
- (10) Honoraria, money, or thing of value under \$100 offered to an OLLS staff person for a speech, appearance, or similar activity, if done in connection with the person's official state responsibilities and if disclosed to the office.

An OLLS staff person may have lunch with a lobbyist so long as the staff person pays for his or her own lunch.

An OLLS staff person attending a conference or meeting out-of-state may, on occasion, have his or her meal paid for by a lobbyist. If this happens, the staff person should disclose the fact in a statement filed in the OLLS. The statement should include the name of the lobbyist, the organization the lobbyist represents, the approximate cost of the meal, and the date and location of the conference or meeting.

NOTE: OLLS staff persons may attend legislative breakfasts.

10. DATING LOBBYISTS AND OTHER LOBBYIST RELATIONS

An OLLS staff person is strongly discouraged from dating a lobbyist, especially if the staff person is working directly with the lobbyist on official business.

If, because of a personal relationship with a lobbyist, an OLLS staff person believes that there may be an appearance of impropriety, the OLLS staff person shall disclose the existence of the relationship to the member and to the OLLS.

11. NONCOMPLIANCE WITH GUIDELINES.

Knowing noncompliance with one or more of these guidelines by an OLLS staff person may result in the taking of appropriate disciplinary or remedial action in the interest of preserving the role and integrity of the office. Noncompliance with a guideline will be addressed on a case-by-case basis.

If a lobbyist knowingly asks an OLLS staff person to disregard one of these guidelines, the OLLS staff person should report such request to the director of the OLLS for appropriate action.

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